

original claims 1-9 but are rewritten to improve readability, to clarify the attachment of the fly trap to a vertical mounting surface and to recite the interaction of the reflective light with a wall. Further, the amended claims recite that the source of light is positioned in the housing such that the light is below the upper edge of the upwardly facing opening of the housing of the insect trap. Support for the amendment is found in original claims 1-9, the drawings, particularly Figure 2, and at page 6, line 17 et seq.

With respect to the Examiner's rejection of claims 1-5 under 35 U.S.C. §102 as anticipated by Phillips, Applicants respectfully traverse the rejection. Applicant's comments are directed to new claims 26-32.

The Phillips light trap comprises a fluorescent tube light source that is directly viewed when the light source is placed conventionally in the environment. The Phillips housing is configured to concentrate and focus the light in the space in front of the housing. Phillips does not direct the light in a diffuse pattern on a vertical mounting surface. While at certain angles, the light source may be hidden from view, the light source when viewed from the front (the most common viewing angle) is directly viewed. This direct view characteristic is a substantial difference between the Phillips technology and Applicants' invention. An insect pest will see an image or multiple images of the lamp and not a diffused reflected light pattern.

The Phillips trap, when installed in its designed environment, does not display the attractant light onto a vertical planar mounting surface such as a wall. When positioned as shown in Phillips, the housing extends above the light source preventing the light from reaching the wall or ceiling in any substantial amount.

In Applicants' invention, the light source is enclosed within the housing and the light source is positioned below the upper edge of the housing which defines an upwardly facing opening for insect entrance. The housing does not focus the light, it diffuses and spreads the light in a pattern on the (e.g.) wall. Accordingly, the rejection under 35 U.S.C. §102(b) must fall.

With respect to obviousness, the nature of the Phillips light source does not suggest the fly trap structure of claim 26. One skilled in the art, when dealing with the Phillips disclosure and other related disclosures, would produce a forward directed focused light source having a directly viewed insect attracting light element. There is no teaching or suggestion that housing the light source in a substantially different housing configuration which projects the insect attracting light onto a wall surface. No teaching or suggestion of such technology is shown in the other prior art cited by the Examiner.

Conclusion

Applicants assert that claims 26-32 of the application are now allowable. If the Examiner has any questions with

respect to the amendment, he is respectfully solicited to contact
Applicants' representative.

Respectfully submitted,

THOMAS D. NELSON ET AL.

By their attorneys,

24 Jule 87
Date

Mark DiPietro
Mark DiPietro
Reg. No. 28,707
MERCHANT, GOULD, SMITH, EDELL,
WELTER & SCHMIDT, P.A.
1000 Northwest Center
St. Paul, Minnesota 55101-2701
Telephone: (612) 298-1055